

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-3, 5-11, and 14-17 are currently being prosecuted. Claim 12 is canceled, and claims 1 and 9 are amended. Claims 1 and 9 are independent. The Examiner is respectfully requested to reconsider her rejections in view of the amendments and remarks as set forth herein.

Reasons for Entry of Amendments

Entry of the present Amendment is respectfully requested in view of the fact that the changes herein automatically place the application in condition for allowance.

In the alternative, if the Examiner does not agree that this application is in condition for allowance, it is respectfully requested that the present Amendment be entered for the purpose of appeal. As argued below, claim 1 as currently written includes all of the limitations of previously canceled claim 4, which was previously deemed allowable by the Examiner.

This Amendment reduces the issues on appeal by incorporating the subject matter of claim 12 into independent claim 9 and canceling claim 12. Claim 9 already includes the allowable subject matter of previously canceled claim 13, which depended from intervening claim 12. This Amendment was not presented at an earlier date in view of the fact that Applicants did not fully appreciate the Examiner's position until the final Office Action was reviewed.

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Allowable Subject Matter

In the Office Action of December 17, 2002 (Paper No. 9), the Examiner states that claims 7, 8, 16, and 17 would be allowable if rewritten in independent form including all of the limitations of the base and any intervening claims.

Further, in the previous Office Action of August 30, 2002 (Paper No. 6), the Examiner stated that claims 4, 7, 8, 13, 16, and 17 would be allowable if rewritten in independent form including all of the limitations of the base and any intervening claim.

It is respectfully submitted that all of the limitations of objected-to claim 4 were incorporated into independent claim 1 in the Amendment filed November 19, 2002.

Prior to cancellation in the Amendment filed November 19, 2002, claim 4 read:

The shock absorbing structure for a two-wheeled vehicle according to claim 1, wherein said shock absorbing member includes a top wall and said right and left side surfaces, said top wall having a forward section with an inclined upper surface for permitting an operator to have a forward viewing area that is not obstructed.

The Examiner will note that all of the limitations of previously canceled claim 4 are incorporated into independent claim 1.

As noted below, paragraph [0035] of the specification, as amended herein, clarifies that the terms "upper end", "ceiling wall", and "top wall" all have the same meaning, and that these terms referring to element 23.

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The changes made herein to claim 1 merely place claim 1 in better form by eliminating the term "upper end", which is the same as the term "top wall". Claim 1 recites the term "top wall" throughout for consistency.

Accordingly, claim 1, and claims 2, 3, and 5-8 depending therefrom, are in condition for allowance.

Further, by this Amendment, in addition to the limitations of previously canceled claim 13, the limitations of intervening claim 12, are also incorporated into independent claim 9. As the Examiner will note, claim 9 recites the term "upper end" throughout for consistency.

Accordingly, claim 9, and claims 10, 11, and 14-17 depending therefrom, are in condition for allowance. Claim 12 is canceled.

Drawings

The Examiner has approved the proposed changes and revised formal drawings filed November 19, 2002. The Examiner is requested to provide a Notice of Draftsperson's Patent Drawing Review, Form PTO-948, with the next official communication.

Specification Changes

Paragraph [0035] of the specification is amended herein merely to clarify that the terms "upper end", "ceiling wall, and "top wall" having the same meaning. No new matter is added by this change.

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Rejection under 35 U.S.C. §102(b)

Claims 1-3, 5, 6, 9-12, 14, and 15 stand rejected under 35 U.S.C. §102(b) as being anticipated by Ichikawa et al. (U.S. 5,620,217). This rejection is respectfully traversed.

As noted above, by this Amendment, all of the limitations of objected-to claim 4 were previously incorporated into independent claim 1. Further, in addition to the previously included limitations of objected-to claim 13, the limitations of intervening claim 12 are now also incorporated into claim 9. Therefore, independent claims 1 and 9, and the claims depending therefrom, are in condition for allowance.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

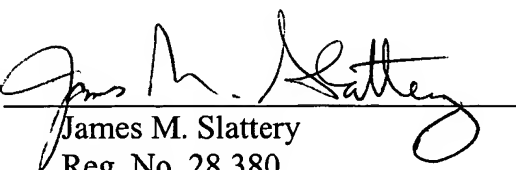
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for

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any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
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505-949P
Attachment
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MARED-UP COPY OF AMENDMENTS

IN THE SPECIFICATION

Please **amend paragraph [0035]** or the specification as follows:

FIG. 3 is a side view of the two-wheeled vehicle including the shock absorbing structure of the present invention, showing an operational state of the two-wheeled vehicle. Referring to Fig. 3, the upper end (ceiling wall or top wall) 23 of the shock absorbing member 21 is located at such a position that the upper end 23 does not block the forward viewing area for a driver 40, that is, located under a forward viewing area line 29 of the driver 40.

IN THE CLAIMS:

Please **cancel claim 12** without prejudice to or disclaimer of the subject matter contained therein.

Please **amend claims 1 and 9** as follows:

1. (Twice amended) A shock absorbing structure for a two-wheeled vehicle including a shock absorbing member projecting from a vehicular body, wherein shock is absorbed by crashing said shock absorbing member, comprising:

a front end of said shock absorbing member located in front of a front wheel or in the vicinity of said front wheel;

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[an upper end] a top wall of said shock absorbing member located at such a position that the [upper end] top wall of said shock absorbing member does not block a forward viewing area for a driver[; a], the top wall having a forward section with an inclined upper surface for permitting an operator to have a forward viewing area that is not obstructed;

a center of a leading end contact surface of said shock absorbing member located at a position higher than a vertical position of a center of gravity of both said vehicle and said driver; and

right and left side surfaces of said shock absorbing member offset to a center of a vehicular body from right and left side surfaces of said vehicular body[,

wherein said upper end includes a forward section with an inclined upper surface for permitting said forward viewing area of said operator to be unobstructed].

9. (Twice amended) A shock absorbing structure for a vehicle including a shock absorbing member projecting from a vehicular body, comprising:

a front end of said shock absorbing member located forward of a front wheel;

an upper end of said shock absorbing member positioned so as not to block a forward viewing area of an operator of the vehicle;

right and left side surfaces of said shock absorbing member being offset to a center of a vehicular body from right and left side surfaces of said vehicular body; and

a center of a leading end contact surface of said shock absorbing member located at a vertical position higher than a position of a center of gravity of both said vehicle and said operator,

wherein said upper end includes a forward section with an inclined upper surface so that said forward viewing area is not obstructed.